

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

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U. S. DISTRICT COURT
MID. DIST. TENN.

ROBERT ZENAS WHIPPLE, III

Plaintiff,

v.

DERRICK SCHOFIELD, et al.

Defendants.

CASE NO. 1:13-cv-00109

CHIEF JUDGE HAYNES

JURY DEMAND

ORDER
Based upon
the Defendants' response
set forth in two motions and
the Court's prior orders,
the Defendants are not
required to
make

PLAINTIFF'S MOTION TO COMPEL DISCOVERY

The plaintiff moves pursuant to Rule 37(a)(3)(B)(iv)¹ of the *Federal Rules of Civil Procedure*, for an order compelling Defendant Kevin Rea to produce copies of documents requested on January 31, 2014 and February 5, 2014 and reviewed on March 28, 2014 (see *5-15-14*).

DECLARATION IN SUPPORT OF PLAINTIFF'S MOTION FOR A RULE 26(f) DISCOVERY

CONFERENCE; filed April 1, 2014; Docket Entry No. Unknown).

As grounds for this motion, Plaintiff states that neither Mr. Rea nor his attorney served a written response to these requests (*Id.* ¶ 17). The Attorney General's Office responded that the documents are on file in Mr. Rea's Office, available for the plaintiff to review (*Id.* ¶ 18). The plaintiff met with Mr. Rea on March 28, 2014 and reviewed the documents, selecting pages that he wanted copied (*Id.* ¶ 20). During the review, Plaintiff identified documents that were missing from his copy of his court-ordered medical record; Mr. Rea made copies of these as well (*Id.* ¶ 21).

¹ (B) To Compel a Discovery Response. A party seeking discovery may move for an order compelling an answer, designation, production, or inspection. This motion may be made if:

(iv) a party fails to respond that inspection will be permitted--or fails to permit inspection--as requested under Rule 34.